

twenty years. Such contracts shall be in writing and shall be acknowledged and recorded as deeds in the county in which the said vendee or lessee has its principal office in this State.

An. Code, 1924, sec. 94. 1912, sec. 92. 1904, sec. 88. 1888, sec. 85. 1884, ch. 485.
1888, ch. 395.

110. All leases or sub-leases of land made in this State between the 8th day of April, 1884, and the 5th day of April, 1888, for a longer period than fifteen years, shall be redeemable at any time after the expiration of fifteen years, at the option of the tenant, for a sum of money equal to the capitalization of the rent reserved at the rate of six per centum in gold coin of the United States, or its equivalent, unless some other sum not exceeding four per cent. capitalization of said rent in said coin shall be specified in said lease, in which event said rent shall be redeemable for the sum fixed in said lease or sub-lease. All rents reserved by leases or sub-leases of land made in this State after April 5th, 1888, for a longer period than fifteen years shall be redeemable at any time after the expiration of ten years from the date of such lease or sub-lease, at the option of the tenant, after a notice of six months to the landlord, for a sum of money equal to the capitalization of the rent reserved at a rate not to exceed six per centum.

Application of this section.

The act of 1888, ch. 395, did not render the act of 1884, ch. 485, inoperative, but was a substantial re-enactment of the latter; hence the lessee under a lease made in 1886 is entitled to redeem in 1902. The fact that the property was improved at the time of the lease is immaterial. Purpose of the two acts above mentioned. *Swan v. Kemp*, 97 Md. 688. And see *Stewart v. Gorter*, 70 Md. 245; *Buckler v. Safe Deposit Co.*, 115 Md. 222; *Brager v. Bigham*, 127 Md. 156; *Cochran v. State*, 119 Md. 547.

A lease executed subsequent to the act of 1888, ch. 395, purporting to be in pursuance of a covenant in a lease executed prior thereto, but which is inconsistent with such prior lease, is redeemable under this section. *Maulsby v. Page*, 105 Md. 29. *Cf. Flook v. Hunting*, 76 Md. 180.

This section has no application to a lease executed after the passage of the act of 1888, ch. 395, confirming a defective lease executed prior thereto. *Jones v. Linden Bldg. Assn.*, 79 Md. 74.

The leases contemplated by this section contrasted with those referred to in art. 23, sec. 221. A lease held to be in accordance with the latter section, and hence that it was not redeemable under this and the following section. *Buckler v. Safe Deposit Co.*, 115 Md. 222.

A lease for fourteen years with a covenant to renew for a like period, the second lease to contain the same covenants, comes within the purview of this section. No covenant can estop the tenant from his right of redemption. *Stewart v. Gorter*, 70 Md. 243.

This section held to have no application to a lease made prior to its adoption, although the lessor's title was perfected by the ratification of a sale in equity and a deed from the trustee after this section went into effect. This section being remedial, should be liberally interpreted against irredeemable leases for long terms. *Poultney v. Emerson*, 117 Md. 656.

This section as it stood in 1884, held not applicable to the lease of a lot by a camp-meeting association at indefinite and variable rentals. The contention that the act of 1884 could not operate as to a lease made by a corporation because it would then impair the obligation of such corporation's charter (act of 1874), overruled. Purpose, scope and construction of this section. *Walker v. Washington Grove Assn.*, 127 Md. 565. And see *Washington Grove Assn. v. Walker*, 128 Md. 98.

Generally.

A bill in equity stating that the leaseholder is in doubt as to whom the notice of intention to redeem should be given, by reason of doubt as to the construction of a will, and asking the court to advise the plaintiff, etc., will be dismissed. Where the required notice has been given, however, a bill in the nature of one for specific performance will lie. Effect of the act of 1888, ch. 395. *Plaenker v. Smith*, 95 Md. 394.

This section referred to in upholding the validity of the portion of art. 16, sec. 275, relative to the costs of proceedings to redeem ground rents. *Kingan Packing Assn. v. Lloyd*, 110 Md. 628.

Cited but not construed in *Erb v. Grimes*, 94 Md. 106.